

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

IN RE: Afonso Izildo Quizado
Debtor(s)

**MOTION FOR CONTEMPT FOR
VIOLATION OF DISCHARGE ORDER**

AFONSO IZILDO QUIZADO
Plaintiff/Debtor(s)

Case number: 18-50540

v.

JOHN S. LYON, D.D.S., INC.
DR. JOHN S. LYON

Serve: JOHN S LYON, D.D.S., INC.
c/o David H. Pettit, Registered Agent
530 East Main Street
Charlottesville, VA 22901

DR. JOHN S. LYON
1420 Stable Lane
Charlottesville, VA 22901
Defendant(s)

COMES NOW the Plaintiff/Debtor(s), Afonso Izildo Quizado, by counsel, pursuant to 11 U.S.C. §524 and 11 U.S.C. §105, and respectfully represents unto the Court as follows:

1. That this is a core proceeding and this Court has jurisdiction over this issue pursuant to 28 U.S.C. §157 and 11 U.S.C. §1334.
2. That, pursuant to the U.S. Supreme Court Decision in *Stern v. Marshall*, 131 S.Ct. 2594 (2011), Debtor(s) request a final decision on the merits of this motion.
3. That your Plaintiff/Debtor, Afonso Izildo Quizado filed a petition for relief under Chapter 13 of Title 11 of the United States Code on June 14, 2018.
4. That Defendant John Lyon, DDS was listed as a creditor on schedule F of the original bankruptcy petition filed on June 14, 2018.
5. That at all times relevant to the subject matter of this motion, Dr. John S Lyon owned and operated John S. Lyon, D.D.S., Inc. and acted on behalf of himself and this business.

6. That an Order of conversion converting the case to chapter 7 of the Title 11 of the United States Code was entered on June 29, 2018.
7. That this Court entered an Order of Discharge on October 23, 2018.
8. That, pursuant to 11 U.S.C. §524(a)(2), a discharge operates as an injunction against the commencement or continuation of an action, the employment of process, or an act, to collect, recover or offset any such debt as a personal liability of the debtor, whether or not discharge of such debt is waived.
9. Defendants had notice of the bankruptcy case filing for the following reasons:
 - a. The notice of chapter 13 bankruptcy case was mailed by first class mail to the business address of both defendants, 2700 Hydraulic Road, Charlottesville, VA. 22901, by the Bankruptcy Noticing Center on June 17, 2018. (Exhibit 1)
 - b. The Order of Conversion was mailed by first class mail to the business address of both defendants, 2700 Hydraulic Road, Charlottesville, VA. 22901, by the Bankruptcy Noticing Center on June 29, 2018. (Exhibit 2)
 - c. The notice of chapter 7 bankruptcy case was mailed by first class mail to the business address of both defendants, 2700 Hydraulic Road, Charlottesville, VA. 22901, by the Bankruptcy Noticing Center on June 29, 2018. (Exhibit 3)
 - d. The Discharge Order was mailed by first class mail to the business address of both defendants, 2700 Hydraulic Road, Charlottesville, VA. 22901, by Bankruptcy Noticing Center on October 25, 2018. (Exhibit 4)
10. Defendant John S. Lyon, D.D.S., Inc. has violated the injunction of 11 U.S.C. §524 for the following reasons:
 - a. On or about April 14, 2021, Defendants John S. Lyon, D.D.S., Inc. and Dr. John S. Lyon, jointly and severally, filed a Summons to Answer Interrogatories with the Albemarle County General District Court in an attempt to collect a debt set forth in a judgment entered

December 18, 2014 in the amount of \$1,622.00 plus costs fees and interest by the Albemarle County General District Court.. (Exhibit 5)

WHEREFORE, Debtor prays that this Court enter an Order, pursuant to 11 U.S.C. §105 and 11 U.S.C. §524, which holds John S. Lyon, D.D.S., Inc. and Dr. John S. Lyon in contempt of Court for failure to comply with the Discharge Order of this Court entered October 23, 2018 ; that enjoins John S. Lyon, D.D.S., Inc. and Dr. John S. Lyon from taking the actions or similar actions which were set forth in this motion; that orders compensatory damages for the costs, time, mental anxiety, mental distress, and other suffering of the Plaintiff necessary to bring this motion before this Court including, but not limited to, reasonable attorney fee, court costs, and other costs incurred by Plaintiff for this motion;; that imposes an appropriate fine, punitive damages, and/or other punishment upon John S. Lyon, D.D.S., Inc. for said contempt and for such other and further relief as the Court, in equity, deems appropriate.

/s/ Roland S. Carlton, Jr.

Counsel

Roland S. Carlton, Jr., Esq.
Carlton Legal Services, P.L.C.
118 MacTanly Place
Staunton, VA 24401
(540) 213-0547
V.S.B. #34138, rcarlton@carltonlegalservices.com

CERTIFICATE

I, Roland S. Carlton, Jr., do hereby certify that a true and accurate cop of this Motion for Contempt for Violation of Discharge Order was mailed by first class mailon June 7, 2021 to:

John S. Lyon, D.D.S., Inc.
David H. Pettit, Registered Agent
530 East Main Street
Charlottesville, VA 22901

Dr. John S. Lyon
1420 Stable Lane
Charlottesville, VA

And delivered by e-mail on June 7, 2021 to:

Neal L. Walters, Esq.
Scott Kroner, PLC
418 East Water Street
Charlottesville, VA 22901

/s/ Roland S. Carlton, Jr.

Roland S. Carlton, Jr.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
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IN RE: Afonso Izildo Quizado

NOTICE OF HEARING

AFONSO IZILDO QUIZADO
Debtor(s)

Case number: 18-50540

v.
JOHN S. LYON, D.D.S., INC.
DR. JOHN S. LYON
Defendant

PLEASE TAKE NOTICE that the undersigned will, on July 15, 2021 at 10:00 a.m., or as soon thereafter as counsel may be heard, by Zoom Hearing and not in person, MeetingID: **160 533 7670** URL: <https://vawb-uscourts-gov.zoomgov.com/j/1605337670>, move the Court to enter an Order pursuant to the motion for contempt for violation of discharge order which is attached to this notice and incorporated herein by reference.

Please govern yourself accordingly.

/s/ Roland S. Carlton, Jr.
Counsel

Roland S. Carlton, Jr, Esq.
CARLTON LEGAL SERVICES, P.L.C.
118 MacTanly Place
Staunton, VA 24401
540-213-0547
V.S.B. 34138
rkarlton@carltonlegalservices.com

CERTIFICATE

I, Roland S. Carlton, Jr, Esq., do hereby certify that a true and accurate copy of this Notice of Hearing was mailed by first class mail on June 7, 2021 to:

John S. Lyon, D.D.S., Inc.
David H. Pettit, Registered Agent
530 East Main Street
Charlottesville, VA 22901

Dr. John S. Lyon
1420 Stable Lane
Charlottesville, VA

And delivered by e-mail on June 7, 2021 to:

Neal L. Walters, Esq.
Scott Kroner, PLC
418 East Water Street
Charlottesville, VA 22901

/s/ Roland S. Carlton, Jr.

Roland S. Carlton, Jr.